

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

NOTICE OF RETURN OF IMPROPERLY ACCEPTED SERVICE MATERIALS

Defendant Capitol Records, LLC (improperly called Capital – EMI Music Inc. in the complaint in this action) hereby provides notice that, as more fully explained below, it has returned to the Clerk’s Office materials that were received in its mailroom as a result of attempts by the U.S. Marshal to serve other defendants named in this action.

The plaintiff is appearing *pro se* in this matter. On September 9, 2012, the Magistrate Judge entered a Report and Recommendation pursuant to 28 U.S.C. § 1915(e)(2) recommending dismissal of the matter as against Capitol Records. The Magistrate Judge allowed a portion of the claims to proceed against four named individual defendants who are recording artists. Because this is *pro se* proceeding, the U.S. Marshal's office assisted with attempted service against those four individual defendants, serving them by certified mail at Capitol Records' address. Although Capitol Records mailroom personnel signed for the certified mail, Capitol Records is not authorized to accept service on behalf of any of the four named defendants. Capitol Records personnel also inadvertently disposed of some of the service materials.

By letter dated November 7, 2012 (Dkt. # 13), Capitol Records advised the Magistrate Judge of the service issues, and the Magistrate Judge directed Capitol Records to return all remaining service materials to the Clerk's Office. The undersigned hereby provides notice that the materials were returned to the Clerk's Office on this date.

Dated: December 4, 2012

Respectfully submitted,

/s/ Douglas R. Cole
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 4, 2012, a copy of the foregoing Notice of Return of Improperly Accepted Service Materials was filed electronically with the Court. Notice of this filing will be sent by operation of the Court's ECF system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

Respectfully submitted,

/s/ Douglas R. Cole
Douglas R. Cole (Ohio No. 0070665)
One of the attorneys for Capitol Records